



*March 15, 2016*

# **Informal Rulemaking Workshop**

Draft Proposed Changes to  
Waste Tire Regulations

*(Title 14, California Code of Regulations)*



# Draft Proposed Changes to Waste Tire Regulations

- ▶ Webcast for this workshop is available at [www.calrecycle.ca.gov/Broadcast/](http://www.calrecycle.ca.gov/Broadcast/)
- ▶ Submit questions during this presentation to [WasteTires@calrecycle.ca.gov](mailto:WasteTires@calrecycle.ca.gov)
- ▶ Information about this proposed rulemaking is available on our website at [www.calrecycle.ca.gov/Laws/Rulemaking/Collection/](http://www.calrecycle.ca.gov/Laws/Rulemaking/Collection/)



# Draft Proposed Changes to Waste Tire Regulations

## Overview

- ▶ Purpose
  - ▶ Describe changes
  - ▶ Seek input
- ▶ Background
  - ▶ Last revisions to regulations finalized October 29, 2014
  - ▶ Minor changes needed now to include:
    - ▶ More comprehensive regulatory structure for the collection locations
    - ▶ Additional clarity
    - ▶ Conform with latest statutes



# Draft Proposed Changes to Waste Tire Regulations

## **Proposed changes are minor and include:**

- Addition of a Major Waste Tire Collection Location
- Clarifications to Minor Waste Tire Collection Location
- Clarity on Permit Review
- Clarity on Beneficial Use requirements
- Clarity and simplicity of Recordkeeping requirements
- General cleanup for clarity and conformity with Statute
- Typos and replacing "Board" with "Department"



# Draft Proposed Changes to Waste Tire Regulations

## (New §18420.15) Major Waste Tire Collection Location (Page 10 -12)

- Must have a Major Waste Tire Facility Permit
- Must have a Closure Plan and Financial Assurances
- Must be in “collection” – temporarily in a fully enclosed container
  - Not to exceed 50,000 tires
  - Not on site for more than 7 days
  - Only whole tires



# Draft Proposed Changes to Waste Tire Regulations

## New §18420.15(a) - Must meet:

- (1) (CalRecycle 504 Supplement (08/15), “**Major Waste Tire Collection Location Closure Plan**” has been **incorporated into the operator’s major waste tire facility permit** pursuant to subsection (b) and includes the containers in which tires are placed and the area surrounding the containers.

- **Form 504 Supplement includes:**

- Part B – Closure Plan Description
- Part C – Closure Cost Estimate Worksheet



# Draft Proposed Changes to Waste Tire Regulations

## New §18420.15(a) - Must meet:

- (2) The amount of waste or used tires at any time is greater than 4,999, **but no more than 50,000** and are temporarily placed in a **fully enclosed container**, on a lot identified in form 504 Supplement - **Closure Plan** and that is **not part of**:
  - A permitted waste tire facility or permitted solid waste facility or operation.
  - A facility identified in section 18420(a) of this Article.
  - A Minor Waste Tire Collection Location.



# Draft Proposed Changes to Waste Tire Regulations

## New §18420.15(a) - Must meet:

- ▶ (3) All waste and used tires onsite **shall be kept in closed and locked containers** except when waste or used tires are transferred directly from one container to another so that the **tires are never put on the ground or outside the confines of a container**, before, during, or after transfer.
- ▶ (4) **Containers** shall, at all times, be kept on or as **part of a trailer for which a current, valid license plate** has been issued by the Department of Motor Vehicles or an equivalent agency in another state or country to the operator of the major waste tire facility.
- ▶ (5) A waste or used tire transported to or from a major collection location **shall be manifested** in accordance with Article 8.5 of this Chapter.



# Draft Proposed Changes to Waste Tire Regulations

## New §18420.15(a) - Must meet:

- (6) Containers shall **not remain onsite longer than 7 days**.
- (7) The total number of waste or used tires at a major collection location shall **not exceed 50,000**.
- (8) The major collection location is **not adjacent to a parcel of property owned either in part or in its entirety by the same operator**, or a principal of the corporate or limited liability company, of a permitted waste tire facility, permitted solid waste facility, facility identified in section 18420(a) of this Article, or a minor collection location, attempting to operate the major collection location.
- (9) **Only whole waste or used tires** that have not been altered, baled, or otherwise processed to become tire derived product or tire casings may be in "collection".



# Draft Proposed Changes to Waste Tire Regulations

**New §18420.15(b) – Major Collection Locations must have financial assurances and operating liability as required by Article 9 and 10 of this Chapter.**

- Describes the mechanism for submitting and seeking approval of a Major Collection Location.
- Requires each location to have a Form 504 Supplement –Closure Plan/Estimates and separate approval.
- If permit becomes invalid, so does the collection location.



# Draft Proposed Changes to Waste Tire Regulations

## New §18420.15

- **Subsection (c)** – all local requirements apply.
- **Subsections (d) and (e)** - closing a Major Collection Location.
- **Subsections (f) and (g)** – CalRecycle’s process for accepting, rejecting or denying the 504 Form Supplemental.
- **Subsection (h)** – reporting administrative changes.
- **Subsection (i)** – State Minimum Standards don’t apply.
- **Subsection (j)** – a facility is illegal unless it meets all the requirements of this section.



# Draft Proposed Changes to Waste Tire Regulations

## Clarifications to Minor Waste Tire Collection Location (Page 8-9)

- ▶ **Revising §18420.1** - adds that a Minor Collection Location cannot be part of a Major Collection Location
- ▶ **Adding §18420.1(c)(7)**- adds “The **location is not adjacent to a parcel of property owned either in part or in its entirety by the same operator**, or a principal of the corporate or limited liability company, of a permitted waste tire facility, permitted solid waste facility, facility identified in section §18420(a) of this Article, or a major collection location, attempting to operate the minor collection location.”



# Draft Proposed Changes to Waste Tire Regulations

## Clarity to Permit Review (page 13)

- **Revising §18426** – adds clarity that a copy of the most recent up-to-date fire safety plan needs to be submitted with the operators certification
- **Adding §18426 (d)** – adds “If the Department, upon review of a certification submitted pursuant to subsection (a), determines that the waste tire facility operations continue to conform to the terms of the permit and the information in the permit application currently on file, the Department shall inform the operator of its decision within thirty (30) days of receipt of the certification.”



# Draft Proposed Changes to Waste Tire Regulations

## Clarity on Beneficial Use Requirements (Page 22-23)

### ► Revising § 18431.3(c)(4) to read:

“ Documentation that the proposed project:

(i) Has been approved by a registered civil engineer, or

(ii) Is of a type of project previously approved by the Department, such as a go-kart track or speedway, for which the Department has received general approval from a registered civil engineer.....”



# Draft Proposed Changes to Waste Tire Regulations

## Clarity and Simplicity of Recordkeeping Requirements

- **Remove §17350 (f)** - All waste tire facilities shall comply with recordkeeping requirements in sections 17357 and 17358 of this Article. **(Page 1)**
- **Remove or Revise §17357** - Requiring a waste tire facility to have records documenting # waste tires received, stored and shipped from the site. **(Page 6)**
  - Similar requirements are described in §18462 and has caused confusion.



# Draft Proposed Changes to Waste Tire Regulations

General cleanup to conform to statute.

- **Delete §18458 – Request for Hearing of Denial, Suspension, or Revocation of Waste Tire Hauler Registration (Page 38)**
  - This is to update Regulations to reflect current statute which allows for informal hearings
- **Delete §18466 - Procedure for Imposing Civil Penalties (Page 47-48)**
  - This is to update Regulations to reflect current statute which allows for informal hearings



# Draft Proposed Changes to Waste Tire Regulations

## General cleanup

- **Revising §18443 – Inspection (Page 26)**

- This section is old and did not reflect the Department's relationship with TEAs (Tire Enforcement Agencies) accurately. The proposed minor changes are to reflect this relationship accurately.

- **Revising §18462 - Manifest System Requirements for Waste Tire Generators (Page 45)**

- Further clarity provided. This section covers the generator's responsibility for maintaining the CTL(s) documenting delivery to the port location.



# Draft Proposed Changes to Waste Tire Regulations

## General Very Minor Clean-up

- **Minor Change in Form 501**
  - Yes/No transposed on page 3 of the form
- **Replace “Board” with “Department”**



# Next Steps

- 30-day Informal Comment Period
- Comments shall be submitted by April 15, 2016
- Steps Prior to Formal Rulemaking Process
  - Only if there are substantial changes, conduct another informal workshop and/or comment period
  - Requests for Action from Director – Public Meeting
  - Economic Impact and Fiscal Impact Statement/  
Department of Finance Submittal
  - Initial Statement of Reasons
  - Submit Rulemaking Package to OAL
- Start formal 45-day comment period

# Proposed Changes to Waste Tire Regulations

## ► Submit comments by April 15, 2016 to:

► E-Mail: [WasteTireRulemaking@CalRecycle.ca.gov](mailto:WasteTireRulemaking@CalRecycle.ca.gov)

► Mail:

CalRecycle / ATTN: Jean Whalen

Waste Evaluation and Enforcement Branch (Mail Stop: 10A-17)

P.O. Box 4025

Sacramento, CA 95812-4025

## ► Stay Informed

► Please subscribe to the Waste Tire Rulemaking Listserv

[www.calrecycle.ca.gov/listservs/](http://www.calrecycle.ca.gov/listservs/)

► Monitor Rulemaking Website

[www.calrecycle.ca.gov/Laws/Rulemaking/Collection/](http://www.calrecycle.ca.gov/Laws/Rulemaking/Collection/)

## ► Contact CalRecycle

Jean Whalen @ 916-341-6420 or [Jean.Whalen@calrecycle.ca.gov](mailto:Jean.Whalen@calrecycle.ca.gov)